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DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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### MITIGATED NEGATIVE DECLARATION

October 23, 2008

Project Name: STARCO GAS STATION & MINI FOOD STORE

Project Number: S06-026; CC08-0087; E.R. 06-19-021

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for Hydrology/Drainage, Noise, Stormwater Management and Traffic
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
  2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. PALEONTOLOGICAL RESOURCES

A. Prior to approval of any grading or improvement plans, or issuance of any grading permits, the applicant shall implement the following relating to the paleontological grading monitoring program, to mitigate potential impacts to undiscovered buried paleontological resources on the Project site. The following implementation shall be to the satisfaction of the Director of Planning and Land Use: [DPLU, FEE X2]

1. Provide evidence that a County approved Paleontologist ("Project Paleontologist") has been contracted to implement a grading monitoring and potential data recovery program which complies with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements, to the satisfaction of the Director of Planning and Land Use.
2. The Contract shall include a cost estimate of the required monitoring; this estimate shall be submitted to the Director of Public Works and included in the Bond Cost Estimate for the required Grading.
3. Provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use (DPLU) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans, and or Building Plans:
  - a. "The Qualified Paleontologist or Qualified Paleontological Resources Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the Paleontological Resources Mitigation Program."
  - b. "During the original cutting of previously undisturbed deposits for the project, both on and off site, the Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist."

- c. "If paleontological resources are encountered during grading/excavation:
  - 1) The Qualified Paleontological Resources Monitor shall have the authority to direct, divert, or halt any grading/excavation activity until such time that the sensitivity of the resource can be determined and the appropriate salvage implemented.
  - 2) The Qualified Monitor shall immediately contact the Qualified Paleontologist.
  - 3) The Qualified Paleontologist shall contact the County's Permit Compliance Coordinator immediately.
  - 4) The Qualified Paleontologist shall determine if the discovered resource is significant. If it is not significant, grading/excavation shall resume."
- d. "If the paleontological resource is significant or potentially significant, the Qualified Paleontologist or Qualified Paleontological Resources Monitor, under the supervision of the Qualified Paleontologist, shall complete the following tasks in the field:
  - 1) Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits;
  - 2) Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting; and
  - 3) Transport the collected specimens to a laboratory for processing (cleaning, curation, cataloging, etc.).

- B. “Prior to Rough Grading Inspection Sign-off, provide evidence that monitoring for paleontological resources has been completed. Evidence shall be in the form of a letter from the Qualified Paleontologist to the Director of Planning and Land Use.” [DPLU, FEE].
- C. “Prior to Final Grading Release:”
  - 1. “If no paleontological resources were discovered, submit a letter report from the Qualified Paleontologist to the director of Planning and Land Use stating that the monitoring has been completed and that no paleontological resources were discovered.” [DPLU FEE]
  - 2. “If paleontological resources were discovered, the Following tasks shall be completed by or under the supervision of the Qualified Paleontologist:
    - a. Prepare collected fossil remains for curation, to include cleaning the fossils by removing the enclosing rock material, stabilizing fragile specimens using glues and other hardeners, if necessary, and repairing broken specimens;
    - b. Curate, catalog and identify all fossil remains to the lowest taxon possible, inventory specimens, assigning catalog numbers, and enter the appropriate specimen and locality data into a collection database;
    - c. Submit a detailed report prepared by the Qualified Paleontologist in the format provided in Appendix D of the County of San Diego’s Guidelines for Determining Significance for Paleontological Resources and identifying which accredited institution has agreed to accept the curated fossils. Submit TWO hard copies of the final Paleontological Resources Mitigation Report to the Director of DPLU for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a CD. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils.” [DPLU FEE]
    - d. “Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains

paleontological collections for archival storage and/or display, and submit Proof of Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of DPLU verifying that the curated fossils from the project site have been received by the institution.” [DPLU FEE]

OR

“Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 150 percent of the estimated costs associated with the preparation of the Final Paleontological Resources Mitigation Program Report that documents the results, analysis, and conclusions of all phases of the Program, and a 10 percent cash deposit not to exceed \$15,000. A detailed cost estimate shall be prepared by the Qualified Paleontologist to the satisfaction of the Director of Planning and Land Use for the cost of curating the fossils, preparing the Final Paleontological Resources Mitigation Program Report, and transferring the collection to the accredited institution that has agreed to accept the collection.”

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. SIGHT DISTANCE

Prior to occupancy or use of the premises, the owner shall have a registered civil engineer, a registered traffic engineer, or a licensed land surveyor provide a signed statement that intersectional sight distance along La Presa Street and Pecos Street and along Jamacha Boulevard from La Presa Street and Pecos Street is in conformance with approved modification to road standards letter from Department of Public Works dated April 10, 2008.

B. NOISE

Prior to issuance of building permits, the applicant will submit evidence to the satisfaction of the Director of Planning and Land Use (Building Division) that the building plans show the proposed roof-top HVAC unit is a single rooftop Carrier 48HJ HVAC Unit or equivalent sized unit with a single unit sound pressure level of 76 dBA at a reference distance of 3 feet. Refer to Section: Onsite Noise Analysis Procedure for sound level measurements in the noise report prepared by ISE.

C. ROAD MAINTENANCE/SPECIAL DISTRICTS

1. Prior to occupancy or use of the premises, the owner shall install street lights to County standards and the satisfaction of the Director of Public Works, and deposit with the County of San Diego, through the Department of Public Works, a cash deposit sufficient to energize and operate the street lights until the property has been transferred into Zone A.
2. Prior to occupancy or use of the premises, the owner shall allow transfer of the property subject to this Site Plan into Zone A of the County of San Diego Street Lighting District without notice of hearing, and pay the cost to process such transfer.

D. FACILITY ARRANGEMENTS

1. Prior to obtaining any building or other permit the owner shall Grant an irrevocable offer to dedicate real property for public road purposes that provides a one-half right-of-way width of fifty feet (50') from centerline, plus slope rights and drainage easements for Jamacha Boulevard (SF1397) a Major Road with bike lane along the frontage of the project. Include thirty-foot (30') radius property line corner roundings at road intersections. Note: There is a parking restriction on the north side of Jamacha Boulevard; the foregoing requirement above reflects a reduction in the easement by five feet (5').
2. Prior to obtaining any building or other permit the owners shall execute a secured agreement for interim improvements on Jamacha Boulevard (SF1397) along the project frontage. Interim improvements shall include Portland cement concrete curb, gutter, sidewalk, pedestrian ramps, and street light(s). Improvements may also include asphalt concrete pavement over approved base, traffic striping, any necessary traffic signal relocations. Face of curb shall be a minimum of thirty-four feet (34') from centerline. Secured agreement requires posting security in accordance with Section 7613 of the Zoning Ordinance. It also requires the improvements be completed by 24 months from the date approving the secured

agreement or prior to use or occupancy of the facility, whichever is earlier. All of the foregoing shall be to the satisfaction of the Director of Public Works.

3. Prior to any occupancy or use of the premises the owners of the project are required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.

E. OTHER REQUIREMENTS

Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

Alyssa Maxson, Planning Manager  
Regulatory Planning Division

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